

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.18738 of 2012

Mohanlal Kankariya

... Petitioner

Vs

1.The Tahsildar,
Wallaja Taluk,
Vellore District.

2.The Revenue Divisional Officer,
Ranipet Division,
Vellore District.

3.The District Collector,
Vellore District,
Vellore.

4.Chandran

5.Elumalai

6.Sivakumar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider the name of the petitioner for the grant of patta in respect of S.No.181/5 and 182/4 measuring an extent of 0.51 and 0.35 acres respectively at No.24, Thandalam Village, Wallaja Taluk, Vellore.

For Petitioner : Mr.V.Manohar

For Respondents : Mr.T.M.Pappiah,
Spl. Govt. Pleader for R1 to R3
No appearance for R4 to R6

O R D E R

The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Mandamus, directing the respondent to consider the name of the petitioner for the grant of patta in respect of S.No.181/5 and 182/4 measuring an extent of 0.51 and 0.35 acres respectively at No.24, Thandalam Village, Wallaja Taluk, Vellore."

2.The petitioner claims to be the owner of the property in S.Nos.181/5 and 182/5 measuring an extent of 0.51 and 0.35 acres respectively at No.24, Thandalam Village, Wallaja Taluk, Vellore District. The petitioner has filed a suit for specific performance as against one Mr.Govindaraj Gounder, who was the father of respondents 4 to 6 in O.S.No.137 of 1987 on the file of the Subordinate Judge at Vellore. The trial Court granted decree, dated 25.11.1988 and directed the father of respondents 4 to 6, to receive the balance sale consideration and execute a sale deed in favour of the petitioner in respect of the suit property. Thereafter, an Execution Petition in O.E.P.No.39 of 1990 was filed and the same was allowed on 22.10.1991. Thereafter, the sale was executed on 22.10.1991.

3.On the basis of the above facts, the petitioner submitted a request for grant of patta to the first respondent and the patta was also issued in his favour on 30.04.1998. According to the petitioner, the respondents 4 to 6 being influential persons, had used their influence and changed patta in favour of their father's name and in the said circumstances, the petitioner has made representations dated 17.03.2010 and 06.01.2012 to the respondents 1 to 3 for grant of patta in favour of the petitioner. The said representations were not disposed of so far and therefore, the petitioner is before this Court.

4.When the matter was taken up for hearing, the learned counsel for the petitioner would submit that the first respondent may be directed to dispose of the representations submitted by the petitioner by considering the request of the petitioner for grant of patta of subject land within a time stipulated by this Court. Since the direction sought for in this writ petition is limited in its scope, the learned Special Government Pleader appearing for the official respondents cannot have any valid objections for disposing the writ petition, as above.

5.In the said circumstances, this Court directs the first respondent to consider the request of the petitioner viz., representations dated 17.03.2016 and 06.01.2012 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that the first respondent shall give notice to the petitioner and other private parties if they are necessary parties before taking any decision in the matter.

6.With the above direction, this writ petition stands disposed of. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Tahsildar,
Wallaja Taluk,
Vellore District.

2.The Revenue Divisional Officer,
Ranipet Division,
Vellore District.

3.The District Collector,
Vellore District,
Vellore.

+1cc to Mr.V.Manohar Advocate SR.No.13069

सत्यमेव जयते

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SDR 19.03.2018

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